

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

This amendment will make the income policy for the coverage group Medicaid for children with disabilities, also known as "Medicaid for Kids with Special Needs," less restrictive. The Department implemented this coverage group January 1, 2009, as directed by 2008 Iowa Acts, chapter 1188, section 55. Upon review of the Medicaid State Plan amendment for this group, the Centers for Medicare and Medicaid Services has advised the Department that the state cannot apply an income policy more restrictive than that in effect for the federal Supplemental Security Income (SSI) program. The reason for this interpretation is that Iowa has an agreement under Section 1634 of the Social Security Act in which the state agrees to authorize Medicaid eligibility based upon a person's entitlement to SSI benefits.

As originally promulgated, subrule 75.1(43) followed SSI policy except for the exclusions and deductions that SSI allows to be applied to a disabled person's income when determining eligibility. This amendment will remove that exception and allow all of SSI's income exclusions and deductions, such as the deduction of \$65 plus one-half of any earned income for the household. The result will be that more children could attain eligibility under this coverage group.

This amendment does not provide for waivers in specified situations because it removes a restriction on eligibility.

Any interested person may make written comments on the proposed amendment on or before September 2, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

This amendment is intended to implement Iowa Code section 249A.3.

The following amendment is proposed.

Amend subparagraph **75.1(43)"d"(3)** as follows:

(3) For this purpose, the income of all persons included in the child's household shall include all earned and unearned income as defined for purposes of the Supplemental Security Income program by 20 CFR Sections 416.1102, 416.1103, 416.1110, 416.1111, and 416.1120 to 416.1123 as amended to August 20, 2008, without regard to exclusions or deductions from income applied in determining eligibility for Supplemental Security Income be determined as provided for SSI-related groups under subrule 75.13(2).